

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

JENNIFER MILLER, et al.,)	CASE NO. 5:20-CV-01743
)	
Plaintiffs,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	
)	
MICHAEL J. ANDERSON, et al.,)	NOMINAL DEFENDANT
)	FIRSTENERGY CORP.'S RULE
Defendants.)	26(a)(1)(A) INITIAL DISCLOSURES
)	
)	
)	

Nominal Defendant FirstEnergy Corp. (“FirstEnergy”), by and through undersigned counsel, hereby provides initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A). The Derivative Complaint names FirstEnergy solely as nominal defendant with respect to claims that Plaintiffs purport to assert derivatively against other defendants. No claims are asserted against FirstEnergy and no relief is sought from FirstEnergy.

A. Rule 26(a)(1)(A)(i) — Individuals Likely to Have Discoverable Information:

Rule 26(a)(1)(A)(i) calls for disclosure of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses. As a nominal defendant, FirstEnergy has no claims or defenses to support, and therefore this provision is not applicable to FirstEnergy.

B. Rule 26(a)(1)(A)(ii) — Documents:

Rule 26(a)(1)(A)(ii) calls for production, or description by category and location, of all documents that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses. As a nominal defendant, acting by and through the SLC, FirstEnergy has no claims or defenses to support, and therefore this provision is not applicable to FirstEnergy.

C. Rule 26(a)(1)(A)(iii) — Computation of Damages:

Rule 26(a)(1)(A)(iii) calls for a computation of each category of damages claimed by the disclosing party. As a nominal defendant, acting by and through the SLC, FirstEnergy has not claimed any damages, and therefore this provision is not applicable to FirstEnergy.

D. Rule 26(a)(1)(A)(iv) — Insurance Agreement:

Rule 26(a)(1)(A)(iv) calls for disclosure of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment. Nominal defendant FirstEnergy will make available for inspection and copying the insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment, pursuant to an appropriate protective order.

FirstEnergy reserves the right to amend, modify, or supplement its initial disclosures. The Special Litigation Committee's investigation is ongoing, and FirstEnergy reserves the right to assert appropriate claims or defenses.

Respectfully Submitted,

/s/ Kathleen A. Nitschke

Kerin Lyn Kaminski (0013522)

Kathleen A. Nitschke (0073397)

GIFFEN & KAMINSKI, LLC

1300 East Ninth Street, Suite 1600

Cleveland, Ohio 44114

Telephone: 216-621-5161

Facsimile: 216-621-2399

E-Mail: kkaminski@thinkgk.com
knitschke@thinkgk.com

***Counsel for the Special Litigation Committee of
the Board of Directors of Nominal Defendant
FirstEnergy Corp.***

John Gleeson (Admitted Pro Hac Vice)

Maeve O'Connor (Admitted Pro Hac Vice)

Susan Gittes (Admitted Pro Hac Vice)

DEBEVOISE & PLIMPTON LLP

919 Third Avenue

New York, New York 10022

Telephone: 212-909-6000

Facsimile: 212-909-6836

E-Mail: jgleeson@debevoise.com
mloconnor@debevoise.com
sgittes@debevoise.com

***Counsel for the Special Litigation Committee of
the Board of Directors of Nominal Defendant
FirstEnergy Corp.***

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2021 a copy of the foregoing *Rule 26 (a)(1)(A) Initial Disclosures* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

/s/ Kathleen A. Nitschke

Kathleen A. Nitschke (0073397)

***Counsel for the Special Litigation Committee of
the Board of Directors of Nominal Defendant
FirstEnergy Corp.***